

Filed for intro on 02/16/95
House Bill _____
By _____

Senate No. SB1749
By Wright

a*39-13-2

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2, relative to homicide offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-202, is amended by deleting the section in its entirety and substituting the following:

(a) First Degree Murder is:

(1) An intentional killing of another;

(2) A killing of another committed in the perpetration of, or attempt to perpetrate any first degree murder, arson, rape, robbery, burglary, theft, kidnapping, aggravated child abuse or aircraft piracy; or

(3) A killing of another committed as the result of the unlawful throwing, placing or discharging of a destructive device or bomb.

(b) No culpable mental state is required for conviction under subsection (a)(2) or (a)(3) except the intent to commit the enumerated offenses or acts in such subsections.

(c) A person convicted of first degree murder shall be punished by:

(1) Death;

(2) Imprisonment for life without possibility of parole; or

(3) Imprisonment for life.

SECTION 2. Tennessee Code Annotated, Section 39-13-210, is amended by deleting the section in its entirety and substituting the following:

(a) Second Degree Murder is:

(1) A knowing killing of another; or

(2) A killing of another which results from the unlawful distribution of any Schedule I or Schedule II drug when such drug is the proximate cause of the death of the user.

(b) Second degree murder is a Class A felony.

SECTION 3. Tennessee Code Annotated, Section 39-13-213, is amended by deleting subsections (a)(2) and (b) and substituting the following:

(a)(2) As a proximate result of the driver being under the influence of an intoxicant. For the purposes of this section, "intoxicant" includes alcohol, drugs or both.

(b)(1) Vehicular homicide is a Class B felony.

(2) Vehicular homicide is a Class C felony if the negligent conduct of the victim substantially contributed to the victim's death.

SECTION 4. This act shall take effect on July 1, 1995, the public welfare requiring it.